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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,849	09/24/2003	Nicholas F. Ciminello	FIS920030272US1	4387

23550 7590 09/05/2006

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EXAMINER

BHAT, ADITYA S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 09/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,849	Applicant(s) CIMINELLO ET AL.	
	Examiner Aditya S. Bhat	Art Unit 2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-11 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 3-5,12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 6-11 and 14-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fluegge et al. (USPN 5,583,797)

With regards to claim 1 Fluegge et al. (USPN 5,583,797) teaches a system for testing an overhead traveling vehicle, the system comprising:

a rotatable bearing set for rotatably engaging a outside edge of a wheel of the overhead traveling vehicle during testing; and (82; See figure 3)

a data collector for collecting data regarding an operation parameter of the overhead traveling vehicle. (16; figure 1)

With regards to claim 2 Fluegge et al. (USPN 5,583,797) teaches the rotatable bearing set is mounted to a rail. (Figure 3)

With regards to claim 7-9, 14-15 and 18, Fluegge et al. (USPN 5,583,797) teaches a reflective section and the overhead traveling vehicle includes an optical sensor for interaction with the reflective section, and wherein the operation parameter includes a reading of the optical sensor. (Col. 2, lines 61-63)

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With regards to claim 6 Fluegge et al. (USPN 5,583,797) teaches the data collector further comprises a data analyzer for analyzing the operation parameter of the overhead traveling vehicle. (col. 4, lines 14-19)

With regards to claim 10 Fluegge et al. (USPN 5,583,797) teaches a test fixture for supporting an overhead traveling vehicle for testing, the test fixture comprising:

a rotatable bearing set for rotatably engaging a wheel of the overhead traveling vehicle such that the wheel can rotate but the overhead traveling vehicle remains stationary; (figure 3) and

a raised support for supporting the rotatable bearing set. (see figure 3)

With regards to claim 11 Fluegge et al. (USPN 5,583,797) teaches the raised support includes a rail, and the rotatable bearing set is mounted in an opening in the rail. (see figure 3)

With regards to claim 16 Fluegge et al. (USPN 5,583,797) teaches a method of calibrating an overhead traveling vehicle, the method comprising:

supporting the overhead traveling vehicle on a test fixture, in a stationary state, by rotatably supporting each wheel of the overhead traveling vehicle with a rotatable bearing set including a pair of rotatable bearings; (see figure 3)

operating a portion of the overhead traveling vehicle; (see figure 3) and adjusting a control of the overhead traveling vehicle to calibrate the overhead traveling vehicle. (col. 2, lines 41-45)

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With regards to claim 17 Fluegge et al. (USPN 5,583,797) teaches the test fixture includes a rail substantially similar to that which the overhead traveling vehicle is configured to operate on. (figure 3)

With regards to claim 19 Fluegge et al. (USPN 5,583,797) teaches the operating step includes driving each wheel with a respective servomotor, and the adjusting step includes adjusting at least one servomotor control. (Col. 3, lines 41-42)

With regards to claim 20 Fluegge et al. (USPN 5,583,797) teaches the adjusting step includes calibrating the overhead traveling vehicle to have an operation parameter that substantially matches that of a replaced overhead traveling vehicle. (col. 2, lines 41-45)

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 3 and 12:

Claims 3-5 and 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The primary reason for the allowance of claim 3 is the inclusion of: the rotatable bearing set is positioned in a first extremity of the rail. It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

The primary reason for the allowance of claim 12 is the inclusion of:

The rail being c-shaped and the rotatable bearing set is mounted in a lower extremity of the c-shaped rail. It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 4-5 are allowed due to their dependency on claim 3

Claim 13 is allowed due to its dependency on claim 12

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

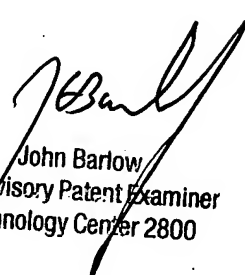
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aditya Bhat
August 17, 2006



John Barlow
Supervisory Patent Examiner
Technology Center 2800